

MARLBORO COUNTY BOARD OF ZONING APPEALS

PUBLIC HEARING*

MARLBORO COUNTY COURTHOUSE COURTROOM

TUESDAY, SEPTEMBER 22, 2009

6:00 PM

Margaret Nolan, Chair

BOARD OF ZONING
APPEALS:

JOHN TROY HENEGAN,
CHARLIE HUNTER,**
WILLIAM SMITH,
AND MARGARET NOLAN

LAVONNE DAVIS,
EDITH BRIDGES,
DAVID ROGERS

* The hearing was recorded and transcribed by a court reporter and is attached to these minutes as Exhibit A.

** Absent

CALL TO ORDER

Ms. Margaret Nolan, Chair

EXECUTIVE SESSION

Motion made by Mr. David Rogers, seconded by Ms. Lavonne Davis to go into executive session based on the need to receive legal advice related to the pending litigation involving the County. Vote in favor. Unanimous. Motion carried. All Board members went into executive session for approximately 13 minutes.

Motion made by Ms. Edith Bridges, seconded by Mr. William Smith to come out of executive session and resume open session. Vote in favor. Unanimous. Motion carried.

Ms. Margaret Nolan, Chair advised that no decisions had been made and no votes had been taken.

PUBLIC HEARING ON APPLICATION FOR SUPPLEMENTAL DEVELOPMENT PERMIT

Consideration of MRR Sandhills, LLC's Application for a Supplemental Development Permit for Certain Land Uses and Large Scale Developments to use Tax Map Nos. 03-01-

02-04, 03-01-02-07, 03-01-02-038, 03-01-02-39, 03-01-02-40 and 03-01-02-58 as a Sanitary Landfill.

The public hearing was opened. Ms. Margaret Nolan, Chair recognized Mr. Bob Eskridge to provide a brief discussion of the supplemental development permit application.

a. **Staff Presentation**

Mr. Bob Eskridge – Mr. Eskridge stated that the supplemental development permit application was submitted to the County by MRR Sandhills, LLC on behalf of Z.V. Pate, Inc. on August 28, 2009, and that the application contained information in support of the request for a supplemental development permit. Mr. Eskridge stated that a copy of the application was sent to the Board prior to the meeting for review. Mr. Eskridge identified a potential conflict of interest based on his partial ownership of an adjacent parcel of property and stated his decision not to participate in the supplemental development permit process.

Ms. Margaret Nolan, Chair next recognized the County's legal counsel, Mr. Steve Weber.

Mr. Steve Weber – Mr. Weber explained the purpose of the public hearing and described the process for the Board's review of the supplemental development permit application. Mr. Weber advised that every property in the County has a particular zoning designation (also called a zoning district) that establishes the types of uses that are allowed and the types of uses that are prohibited on each piece of property. Mr. Weber explained that there are five zoning districts in the County, including General Development (GD) District and Rural Resource (RR) District. He explained that the Zoning Ordinance lists the allowed uses and prohibited uses for each zoning district. In some of the zoning districts, he explained, certain uses are allowed, but only if the landowner first obtains a supplemental development permit.

Mr. Weber stated that the purpose of the supplemental development standards in the Zoning Ordinance is to “ameliorate the impact and improve the siting of certain land uses whose characteristics could adversely affect surrounding property and environmental conditions.” He explained that the properties on which the proposed landfill would sit currently are zoned GD. The owner of these properties, Z.V. Pate, Inc., recently applied to County Council to rezone the properties to RR. Mr. Weber explained that this is important because under the properties' current GD zoning, sanitary landfills are prohibited. The landowner Z.V. Pate sought to have the properties rezoned to RR because sanitary landfills are allowed in an RR district, but only if a supplemental development permit is obtained for the landfill. The County Council recently denied the landowner's rezoning request, which means that the properties in the application before the Board are currently zoned GD and sanitary landfills are prohibited in the GD zoning district. Nonetheless, Mr. Weber stated, when the rezoning request was denied, the applicant did not withdraw its supplemental development permit application and so the Zoning Ordinance requires the Board to hold a public hearing on the application and make a decision whether to approve, disapprove or approve the application with modifications.

Mr. Weber explained that the Zoning Ordinance states that the Board must review and evaluate this application with respect to all applicable development standards contained in

the Zoning Ordinance and must consider the following four factors: (1) The relationship of the proposed use with respect to the County's Comprehensive Plan; (2) The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation, flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use; (3) The impact of the proposed use on nearby property; and (4) The suitability of the affected site in terms of size, shape and topographic conditions to accommodate the proposed use, building or development and to ensure environmental compatibility. Mr. Weber recited these four factors using a large poster listing the factors, and also provided a worksheet to each of the Board members listing these four factors for their use during public comment and deliberations.

Mr. Weber then advised that, because the specific use of the properties is proposed to be a sanitary landfill, Article V of the Zoning Ordinance provides additional requirements that the applicant must meet in order to be eligible for a supplemental development permit. The application describes certain of those requirements, and Mr. Weber stated that the parties would likely address those additional requirements during the public hearing. Mr. Weber stated that the obligation of the Board is to consider the application, the evidence and information presented at the hearing and to decide whether to approve the permit, disapprove the permit or approve the permit with modifications. Mr. Weber explained that the applicant would have 15 minutes to make a presentation (and that the applicant could reserve some of that time for final comments at the end), that the Citizens of Marlboro County group would have 15 minutes to make a presentation and the general public would have 30 minutes to comment on the application (2 minutes per speaker). Mr. Weber closed by stating that, at the close of the public comment, the Board will deliberate and make a decision on the application.

b. Public Comment from Applicant and Opposition Group (30 minutes)

MRR (15 minutes) - Mr. Jack Pringle addressed the Board on behalf of the applicant. He stated that his client had provided a package of information to the Board, including information describing its application, several attachments required by the Zoning Ordinance, and information supporting the four factors to be satisfied under the Zoning Ordinance, as well as the more specific requirements in the Ordinance specific to sanitary landfills. He stated that a map attached to the Board's information package demonstrated compliance with the minimum buffer requirements. He stated that in determining where to locate this landfill, the applicant took under consideration the Zoning Ordinance which requires a 2,500-foot buffer between a landfill and other property, as well as the County's governing documents. He referred the Board to a map in its packet indicating MRR's compliance with the buffer requirement. He stated that the Board should look to the goals in the Comprehensive Plan, including a balance of the rights of the property owner with the rights of adjoining landowners. He stated that MRR chose a site that was over 1,000 acres in size and plans to use only 300 acres for the footprint of the landfill, using only 30% of the property with 70% of the property being a forest used as a buffer. Mr. Pringle handed up a

The application for Supplemental Development Permit for Certain Land Uses and Large Scale Developments submitted by MRR Sandhills, LLC on behalf of Z.V. Pate, Inc., with its attachments, is attached hereto as Exhibit B.

map showing that the area in which the landfill is to be sited is sparsely populated, with the lowest population density in the County (5 people per square mile).² He stated that MRR took the Comprehensive Plan into account, including the potential adverse impacts from the landfill. He cited the large buffer between the landfill and any residential impacts, and also advised that the landfill would be adequately located near roads and transportation, and that the landfill would not be a traffic burden to Highway 77 or Osbourne Road based on the number of estimated trips per day as compared with the number of allowable trips on those roads, or affect pedestrian safety. He advised that MRR would be responsible for making changes to be consistent with the road system and obtaining the proper permits from the Department of Transportation. Mr. Pringle stated that the landfill would be properly sized, located on a relatively flat portion of property and properly buffered. He stated that the landfill's liner system would ensure that no leachate leaches into the groundwater and indicated that he had a letter from engineers indicating this. He stated that in order to locate a landfill in Marlboro County, MRR would have to go through a very involved permitting process with the State, which would address the liner system, sedimentation, stormwater, groundwater and traffic issues among others. He closed by stating that the applicant had followed the guide the County had given it in deciding where to site the landfill, and that the applicant had met each of those conditions squarely. He stated that he would like to reserve the remainder of his time to respond to comments later in the hearing. He advised that he was open to questions from the Board.

Ms. Lavonne Davis questioned how many trucks would come through the landfill daily, and whether one would be able to see the landfill from the road as one is able to see the Bishopville landfill. Mr. Pringle responded that the applicant's engineers have done line-of-sight studies and believe that it will be difficult to see the landfill from the surrounding roads.

Ms. Davis questioned whether the landfill would be difficult to see referring to the unsightly mountains of waste at the Bishopville landfill. She questioned how MRR would prevent the trash from mounding up based on the estimated number of trips per day (21-600). Mr. Pringle advised the proposed landfill would not be like Bishopville's because of its large buffer and because, when fully built over 30 years, it would take up only 300 acres of 1,000 acres of mature forest. He stated that the landfill would be developed in conformity with the laws of the State.

Ms. Davis questioned from where the trucks transporting waste would come. Mr. Pringle responded that the trucks would originate from various entities that collect waste. Ms. Davis questioned whether waste would come from places up North, such as New York, New Jersey or Vermont. Mr. Pringle responded that the applicant had specifically stipulated that the trash would come only from North Carolina and South Carolina. Ms. Davis followed up by asking whether waste could be considered "from North Carolina" if it temporarily came to rest in North Carolina before coming to Marlboro County. Mr. Pringle responded that he did not think such waste could be considered "from North Carolina," but that he could only answer questions regarding the factors set forth in the Zoning Ordinance.

²A copy of this map is attached hereto as Exhibit C

Ms. Margaret Nolan, Chair questioned whether MRR was aware of the earthquakes in the area of the proposed landfill and, if so, how it planned to ensure that the landfill liner could withstand such earthquakes. She also questioned whether landfill liners are rated in some manner. Mr. Pringle referred Ms. Nolan's question to the applicant's engineer, Mr. Scott Brown. Mr. Brown stated that seismic analysis was part of the analysis undertaken in evaluating the landfill. He stated the analysis takes into consideration soil conditions, the frequency and strength of earthquakes and the stress caused to the site from such earthquakes.

Ms. Nolan questioned how deep the landfill liner would go into the ground and how low in the ground the trash would go. Mr. Brown advised that DHEC requires a minimum of three feet between the liner and the seasonal high level of groundwater.

Ms. Nolan questioned whether MRR knows the depth of the groundwater at the site. Mr. Brown stated that he could not confirm the depth of the groundwater.

Ms. Nolan stated that Horry County uses its landfill gases for energy, and questioned how the applicant plans to use its landfill gases in the future. Mr. Brown stated that the gas would be captured but that he did not know the particulars at the present time. Mr. Brown stated that the applicant would be required to capture gases as part of DHEC's requirements, and that he assumed it would either be flamed off or used to generate electricity.

Ms. Nolan questioned what would happen to the gas if it was not used. Mr. Brown advised it would be destroyed by flare.

Ms. Nolan questioned whether the gases would put off odor. Mr. Brown stated they would not.

Mr. John Troy Henegan questioned what materials would be accepted at the landfill, and whether nuclear materials would be accepted. Mr. Brown stated that the landfill would be a municipal solid waste landfill which would accept household garbage and would not accept anything hazardous or any nuclear waste.

Mr. David Rogers questioned how thick the liner was. Mr. Brown advised that the plastic liner would be six millimeters thick (about the thickness of a nickel), with two inches of clay and a leachate collection system which drains so that the waste does not accumulate on top.

Mr. Rogers questioned whether the applicant was aware of the wildlife in the area. He questioned the effect of deer puncturing the liner. Mr. Brown responded that the applicant was aware of the wildlife, and that the wildlife would not be affected. He stated that the applicant would be required to test the liner before it is covered up to make sure that there are no holes in the liner by way of an electric current which sparks if holes are present. Mr. Rogers asked who would conduct this testing and Mr. Brown replied that the test would be observed by DHEC as part of the certification process.

Mr. William Smith questioned what would be different about this landfill than the Lee County landfill in 5 to 10 years and what would prevent the liner from leaking. Mr. Brown responded that there is no data that liners leak, and that the plastic and clay combination in

the liner system prevents leakage. He stated there are no guarantees, but the chance of leakage is very small.

Mr. Smith asked about the protection of the water in the area, and stated that the people who live in the surrounding area would want a concrete guarantee that their water would not be affected. Mr. Brown responded that the landfill will contain a groundwater testing system, including wells around the perimeter of the property to test the groundwater. If contamination is discovered, the applicant would have ample time to take the water and treat it before it leaves the site.

Ms. Lavonne Davis questioned how close Mr. Brown would live to the property. Mr. Brown responded that he did not live close to the landfill and that he did not live close to a landfill in his community because he could not afford to do so given the high property values.

Mr. William Smith asked about the ways in which waste would be received by the landfill other than trucking, asking specifically whether any waste would be received by rail. Mr. Dan Moore, Project Manager for MRR, responded that although MRR had thought about rail access when choosing the site, MRR had cut back on the service area and he doubts there would be a need to use the rail line based on the economies of trucking in the area and the fact that waste will come from North Carolina and South Carolina. Mr. Smith asked what would happen if the truckers went on strike, and Mr. Moore responded that the landfill would not receive waste. Mr. Moore referred again to the tremendous expense of using rail and stated that landfills with similar capacities and service areas used trucking to transport waste.

Mr. Smith questioned whether MRR would begin to accept trash from other states, such as Georgia or Virginia, when the trash business is profitable. Mr. Moore responded that the answer to that question was up to the County, and that MRR would be willing to sign a contract with the County to handle only North Carolina and South Carolina waste. He clarified an earlier comment by stating that trash that sits in North Carolina temporarily could not be considered North Carolina waste, and also added that North Carolina and South Carolina have specific reporting requirements regarding waste being brought in from out-of-state.

Mr. Smith questioned who would haul trash from Scotland County and whether it would be hauled uncovered. Mr. Moore responded that Scotland County has its own transfer station, and that the waste would probably come in large transfer trucks, not small trucks. He stated that Scotland County could haul the waste itself or use a contractor, but that the waste must be hauled in a covered truck.

Ms. Edith Bridges referred to the map MRR had provided showing the landfill on the border of North Carolina and South Carolina and asked whether Mr. Moore had considered North Carolina for this landfill. Mr. Moore responded that he did not.

Citizens of Marlboro County Group Representative (15 minutes) - Mr. Jimmy Chandler, attorney representing the Citizens of Marlboro County Group addressed the Board. Mr. Chandler stated he is from Pawley's Island with an office in Georgetown, and

that he runs a nonprofit organization called the South Carolina Environmental Law Project. He stated he has been a lawyer for 32 years and handled his first landfill case in 1984. He stated that he has had 25 years of litigation experience involving landfills.

Mr. Chandler stated that the thickness of a landfill liner is the same as an average plastic garbage can. He stated that those garbage cans get holes in them all the time. He stated that, based on his experience (he cited testimony from engineers during hearings involving a landfill by Lake Marion in Sumter County), the question is not whether a liner will fail, but rather how long it will take to fail. He stated he is not comfortable with the monitoring wells at the landfill, because they detect contamination too late and then one has to excavate all of the waste. He stated that where he lives, in Pawley's Island, one can throw away virtually anything they want into a disposal facility inside a black bag, including old paint, solvents, used oil, etc. He stated that no one checks what goes into landfills because it is not cost-effective to do so. He stated that the Board should not be comforted by MRR's offer to limit the waste in the landfill to North Carolina and South Carolina waste, since MRR has a track record of purchasing landfills and selling them to other landfill companies and that any contracts they enter into may not be enforceable in the future. He also cited the Commerce Clause of the United States Constitution and lawsuits lost in South Carolina over controlling out-of-state waste. He also stated that MRR was a limited liability company and that it could declare bankruptcy. He cited an instance in which a hazardous waste landfill in Pinewood went bankrupt and left the state on the hook for funding the cleanup, itself paying for only a fraction of what was required to clean up the site.

Mr. Chandler stated that there was no need for the Board to examine the four factors in the Zoning Ordinance, because the property is zoned GD and sanitary landfills are specifically prohibited in that zoning district. He stated that the property does not even qualify for a permit because Council had not approved the rezoning of the property. He also cited Section 5.2 of the Zoning Ordinance, which provides for standards over and above the general zoning requirements. He emphasized that these standards are not "instead of" the general zoning requirements, but rather that MRR was required to first have the correct zoning and then come get its supplemental development permit once proper zoning had been obtained. He stated that MRR had filed its application for this permit anticipating that the property would be rezoned, but that MRR did not get the rezoning, and that the property therefore does not qualify for this type of permit. He stated that the Board could go through the process to be safe, but that it is empowered make a legal decision that the applicant does not qualify for this type of permit because the Planning Commission and the County Council turned MRR down.

Mr. Chandler then handed up a document describing the various requirements for the applicant to receive a supplemental development permit.³ He also handed up copies of the report and recommendation made by the Planning Commission to deny the rezoning request and the minutes of that Planning Commission meeting.⁴ He stated that he wanted these

³ This document, entitled "Comments on Behalf of Citizens for Marlboro County," is attached hereto as Exhibit D.

⁴ This document, entitled "Recommendation by Planning Commission to Deny Zoning Map Amendment Request," dated September 3, 2009, is attached hereto as Exhibit E.

documents to appear in the record of the public hearing. He also stated that the Planning Commission's decision was affirmed by County Council and handed up the minutes of the Council's meeting voting to deny the rezoning request⁵ and its decision as submitted to the applicant.⁶ He closed by stating that he was open for questions from the Board.

c. Comments from General Public (30 minutes)

Ms. Lucy Parsons – Ms. Parsons cited her meetings with Dr. Beder (the head hydrologist for the State) and Julie Blalock (project manager for DHBC) to educate herself and the community about the landfill. She stated that she learned that DHBC cannot regulate trucks. She stated that she had observed trucks dripping leachate at the Screaming Eagle and Bishopville landfills, and that she drives by the Columbia landfill once a month and has determined that the landfill can be smelled for 13 miles in 4 directions. She also stated that the Bishopville landfill can be smelled in downtown Bishopville. She stated that the pollution was irreversible, and that the Lee County situation proves that having a landfill does not cause a county to be profitable or fix mismanagement of money. She stated that the referendum indicated that there was no political problem with denying the landfill, and that the only reason to vote in favor of the landfill is for personal gain at the expense of citizens' health and well-being. She urged the Board to stand firm when MRR threatens to sue, because lawsuits come and go but the stench will last for over thirty years.

Mr. Tom Wood – Mr. Wood stated that he wished to speak in rebuttal to the location of the landfill. He stated that one would be able to see the site of the landfill from the Lighthouse Church on Highway 177 and from Osborne Road. He also stated that a liner as thin as a nickel or a credit card is not sufficient and that all landfills leak. Mr. Wood noted MRR's concession to make the landfill 300 acres instead of 900 acres, and stated that once a landfill company comes to the County, it will be able to expand on the existing landfill, create a new one, or do anything else it wants without a new permit. He stated his belief that MRR's concessions were not trustworthy and that they instead are a stepping stone to a megadump. He also stated that he was familiar with the train schedules in the County and expressed concerns about the ability of emergency vehicles to access parts of the County if trains are blocking the intersection of Ebenezer Road and Pleasant Hill Road.

Dr. Tony Battista – Mr. Battista urged the Board to sustain the decision of the County Council to deny MRR's requests. He stated that these problems are not the problems the County should be facing. Instead, the County should be working on its 21% unemployment rate and getting young people to want to come back to the County after college, and that landfills do not help with those problems. He stated that he is a scientist, and that there is not a material made that will sustain the effects of weather and waste over a long period of time. He cited a situation with a landfill in Virginia where the landfill company did not deliver on its promises and was sued. He stated that the buffer arguments made by MRR are nonsense, and that here, just as in Bishopville (where he works), passersby will be able to

⁵This document, entitled "Marlboro County Council September 1 Public Hearing Minutes," dated September 8, 2009, is attached hereto as Exhibit F.

⁶This document, entitled "Denial of Zoning Map Amendment Request," dated September 7, 2009, is attached hereto as Exhibit G.

see a 100 foot pile of trash, and that the proposed landfill could be three times that tall (a 30 story high pile of trash). He stated that the landfill would be the final nail in the coffin of the County's economic development and urged the Board not to let MRR move forward.

Mr. Belvin Sweatt – Mr. Sweatt stated that there is no such thing as a sanitary landfill. He stated that none of the MRR employees live in Marlboro County, so they do not care what happens in the County. He stated that Bishopville has the biggest rail line in South Carolina, and that it was built and is used to bring waste to that landfill, so MRR cannot say that no rail would be used. He cited a book called Dumping in Dixie, which deals with eight Southern states and their struggles with garbage. He cited the book's finding that three sites in Alabama, Louisiana and South Carolina accounted for 60% of the nation's hazardous waste. He stated that landfills are often located in poor, elderly and minority communities, and that this reason is why MRR has chosen Marlboro County for the landfill. He stated that MRR was only interested in how much money they could make and that they would resort to anything to get what they want, including lying.

Mr. Jim Tucker – Mr. Tucker stated that MRR should go buy land somewhere not in Marlboro County with adjoining backyards and have the landfill in their own backyards. He referred to the September 1 meeting where the citizens told MRR that they were not wanted, and stated that the Board needs to have the intestinal fortitude to uphold the Council's decision and protect the environment. He recalled MRR's statement that it would not come to the County if it were not wanted, and reiterated that MRR is not wanted.

Mr. Fred Nickoless – Mr. Nickoless stated that he is a retired veteran, and stated that veterans coming home from war should not have to come back to a landfill. He said that he believes this is a shame and that veterans should be able to have peace in their communities when they return home.

Mr. John Nickoless – Mr. Nickoless recalled when members of the community gathered at a nearby church to find out what they could do to stop the landfill. He stated that he had a list of twenty signatures from people who live near the landfill and oppose it. He stated that the issue is coming to a head and asked the Board to help the citizens who oppose the landfill.

Mr. Lanier Pegues – Mr. Pegues stated that although he is not from Marlboro County, he moved here to work for the solicitor and decided that he wanted to start a non-profit organization because he feels a landfill is not the answer. He stated that a landfill is not a waste solution, and that the County should look to other alternatives. He stated that liners do not work, and that vinegar, shoe polish, wax and other substances can cause the plastic liners to crack (and that these liners are the most advanced technology available). He stated that there are 18 landfills in South Carolina, which is far too many, and that the County should set a precedent that South Carolina is not a dumping ground for the East Coast. He stated that he wants to change South Carolina's slogan back to "Smiling Faces, Beautiful Places," instead of "Smiling Faces, Beautiful Landfills."

Mr. Anthony Millan – Mr. Millan stated that one of the reasons he left New Jersey was because of the Staten Island landfill. He stated that population density does not matter, and that it has been proven that landfills make people ill. He said that MRR is saying that it is

okay to make only 5 people per square mile sick, but he does not believe that it is okay to make 50 or 500 people per square mile sick.

Ms. Faye Quick – Ms. Quick urged the Board to say no to the supplemental development permit. She stated that she lives 3-5 miles from the proposed landfill and that she has been opposed to the proposed landfill since day one. She cited the various community activities that would be negatively impacted by the landfill, including Camp Pee Dee, the Sandy Ridge Girl Scout Camp, the Baptist Retreat and the Wallace Family Life Center. She stated that all of these places have lakes and streams where people enjoy fishing. She stated that the hunting and fishing opportunities in the County will be taken away if the landfill comes because the land and water will be contaminated. She stated that the space shuttle even leaks, and that people in the County already have premature babies and cancer is already prevalent in the area. She urged the Board not to be influenced by pressure or bribes and to say no to the special permit.

Ms. Emma Huckabee – Ms. Huckabee stated that she lives near the proposed landfill. She stated that she planned to live at her home until she could no longer live alone, and then planned to sell her property, but now she does not believe she will be able to sell it because her property value will have decreased so much from the landfill. She stated that she will not qualify for State assistance because she is a homeowner and all of her hard work over her lifetime will have been useless because her property will be worthless due to the landfill. She stated that her survival is hanging in the air, and that MRR does have to worry about its survival and does not care about the idea of doing unto others as you would have them do unto you. She closed by stating that the MRR executives would not want the landfill near their homes.

Col. Larry Rogers – Col. Rogers stated that he is a retired U.S. Army Special Operations Colonel. He stated that he is from Richmond County, North Carolina, where one of the proposed entrances to the landfill would be. He stated that the ill effects of the landfill have been considered for South Carolina residents but that North Carolina has not been considered. He stated that the County should also be concerned about its neighbors. He pointed out the second factor to be considered by the Board under the Zoning Ordinance and stated that he learned as a commander and instructor to scrutinize everything. He stated that page 2 of MRR's letter of intent suggests that both entrances may be placed on underdeveloped roads that cannot handle the traffic, despite MRR's suggestions that there will be no impacts. Col. Rogers stated that he started a trucking company after he retired, and that his forklift trucks are smaller than the trucks being used to take waste to the landfill. He stated that these trucks are heavy and that the road structure will not tolerate 50,000 pounds 24-600 times per day. He urged the Board to review the letter of intent and to evaluate it as a smokescreen for MRR to cover up its true intent.

Ms. Pam Dillman – Ms. Dillman stated that she is a County Commissioner in Richmond County and formerly served on its Planning Board. She stated her hope that the Board would make the right decision and stated that she has been fighting landfills since the 1980s. She questioned why MRR offered only \$2 million to the County, when they offered \$4.5 million to her county two years ago. She then corrected herself, stating that Waste Management made the \$4.5 million offer but stated that the two companies were kin. She stated that MRR thinks the County is cheap and uneducated, and questioned why under

these circumstances the County would bring them into the County. She stated her belief that North Carolina and South Carolina is the best community in the world, and that it would keep it that way and keep its environment clean. She referenced and displayed a railroad map of North Carolina and South Carolina, and stated that Waste Management is the largest company to transport trash by rail, making \$2,100 for every railroad car. She stated that she met with the staff of the North Carolina Attorney General's Office and talked about the situation in the County and how North Carolina could help. She said that the Osbourne Road entrance to the proposed landfill, in North Carolina, may be the only entrance. She stated that her state would let South Carolina know they will not tolerate this and that there were other, "green" ways to take care of the waste. She stated that she would like to take the paperwork to the North Carolina Attorney General's Office, which is waiting on it. She closed by stating that the rules need to be changed because they are archaic.

Ms. Frances Smith – Ms. Smith stated that she lives near the state line, approximately $\frac{3}{4}$ of a mile from the proposed landfill and that her property borders the stretch of land proposed for the landfill. She stated that she speaks for her husband, children and grandchildren, who also are concerned about health hazards, odors and bird invasions. She stated that she and her husband already have cancer and do not want to aggravate it. She stated that her nest egg for her retirement will be destroyed if the landfill comes, because her property value will be so low and she will not be able to move. She asked if MRR and anyone else would want to live in her house, and answered that she did not think so and thought her neighbors would agree. She also stated that just because the population is low does not mean that the property owners' lives are less valuable.

d. Additional Public Comment

Mr. Robert Currie – Mr. Currie stated that the term "sanitary landfill" was an oxymoron. He stated that earthquakes are rare, but that lightning strikes all the time, and that cloud-to-ground lightning happens twice. He stated that this type of lightning can penetrate the cover of a landfill and its liner. He said that, given the economic downturn, the County has lost lots of jobs and has been told to take what it can get. He cited prisons and landfills as examples. He cited the fact that MRR has done well on Wall Street and that Z.V. Pate has done well on Main Street, and that the people of Marlboro County are what make Main Street work. He stated that he works in the radio industry and that he regularly hears an advertisement that says that 60% of all waste can be recycled, and that the remaining 40% of waste can be made into energy, but that MRR has not offered this alternative because it is not profitable to MRR. He stated that MRR should offer a recycling center or other form of recapture, and urged the County to find an industry that will improve the community rather than turn it into a trash dump.

Mr. Paxton Pegues – Mr. Pegues stated that his ancestors have lived in Marlboro County since 1750 and have enjoyed a rich farming heritage. He stated that from his property near the State line, you can see across the County to North Carolina, and that the landfill will destroy their beautiful hillside. He stated that the Screaming Eagle landfill is already 100 feet tall, and that the proposed landfill will affect everyone and that the County must look for an alternative. He stated that the County itself does not generate much trash and so a landfill is unnecessary.

Ms. Ethalyne Simmons – Ms. Simmons stated that her family has always lived in Wallace, and that it is a small population by choice because the community needs lots of land to farm. She stated that her nephew comes home to Marlboro County every weekend because he loves to fish and hunt, which is one of the last things left in Marlboro County to enjoy. She stated that her father taught her to value her land and that nothing could take its place. She stated that everyone in the County farms, and that they are not stupid. She stated that the community has always valued education and that there are lots of college graduates in the County. She stated that the other County bodies have already voted to say no, and urged the Board not to destroy the County for the wishes of 6 people.

Ms. Rosa Bright – Ms. Bright stated that she values her property in Wallace, where she has always lived. She stated that when Mr. Pringle stated that the Board should balance between what MRR owns and what the community owns, this comparison raised a red flag in her mind. She stated that thousands do not want one person to dictate the value of their property. She stated that she attends the Wayman Chapel AME Zion Church, which is in front of the proposed entrance to the landfill. She stated that the church had just completed a \$250,000 facility there which hosts birthdays, funerals, weddings, etc., and that a negative impact on this community would occur from the odors and trucks going to and from the landfill. She questioned the ethics of the individuals who stated that the landfill will not leak, because she knows it is not true. She urged the Board to consider the thousands of people who have voted against the landfill.

e. Additional Public Comment from Applicant

Mr. Jack Pringle – Mr. Pringle stated that there were lots of comments to which he could respond, but that he would not go point by point in responding to each accusation. Mr. Pringle stated that Mr. Chandler did not go through the factors for the Board to consider in making its determination, but rather told the Board to ignore them. He stated that the Board's task was to look at the Zoning Ordinance and consider the factors in the Ordinance. He stated that the zoning would work itself out, but that the Board was required to look at the factors in the Zoning Ordinance. He stated that none of the commenters, except for Col. Rogers, even referred to these factors, which must be examined to see if there is evidence in the record to support them.

Regarding the traffic issues raised, Mr. Pringle stated that MRR expected the traffic flow at the landfill to be medium-sized, and that MRR does not believe that 600 trucks per day will come through the landfill. He stated that MRR looked at the documents the County enacted through the legislative process in making its application. He stated that the term "sanitary landfill" is used specifically in the Zoning Ordinance as a use for which a permit may be sought, and that these were the guides MRR used to meet the purposes of the Plan. Mr. Pringle stated that MRR found a site 2,500 feet from the nearest residence, with an underutilized transportation system, with utilities already in place and without many other types of uses because MRR did not want the landfill to have an effect on the surrounding uses. He stated that MRR chose large areas for its buffers. Mr. Pringle stated that the concerns expressed regarding liners, odors, and other landfills do not relate to this specific landfill and this specific application, and that all of those considerations will be specifically and exhaustively addressed by DHEC during the landfill permitting process. He stated that the concerns regarding safety and environmental impacts are within DHEC's role, and the

Board's role is to look at the application and see if it supports the special use requested. He stated that, objectively looking at the factors and based on the documents upon which MRR relied in making its application, the criteria had been met. Mr. Pringle closed by stating that the supplemental development permit is the first step in a long process involving input from lots of other agencies.

Ms. Edith Bridges stated that the citizens of the County do not want the landfill and inquired whether that factor had been considered by MRR. Mr. Pringle responded that MRR relied on Marlboro County's documents regarding what can be done in the County, and where it can be done. Mr. Pringle stated that these documents express the will of the people as expressed through the legislative process. He cited the Marlboro County Comprehensive Plan which sets out permissible uses and guides development. He stated that his client is allowed to rely on these documents.

A member of the audience inquired as to why MRR was trying to change the zoning designation, and Ms. Margaret Nolan, Chair responded that the Board was speaking with Mr. Pringle and was not taking audience questions.

Mr. John Troy Henegan stated that he had listened to the advantages and disadvantages presented, and stated that the only advantage he had heard was easy road access. He stated that, based on what he had heard, the disadvantages far outweighed the benefits, and asked Mr. Pringle to describe the benefits from the landfill. Mr. Pringle responded that, for purposes of this hearing, the benefit was that MRR had met the criteria set forth in the ordinance. He stated that the purpose of the Zoning Ordinance was to make sure that certain uses, when sited, meet additional requirements to ensure consistency with the Comprehensive Plan and the Ordinance.

Ms. Margaret Nolan, Chair asked the Board members if they had any additional questions. There were none.

Motion made by Mr. David Rogers, seconded by Ms. Lavonne Davis to close the public hearing. Vote in favor. Unanimous. Motion carried.

Mr. Steve Weber, legal counsel for Marlboro County, briefed the board on the deliberation process.

Mr. Weber explained that the Board's obligation is to consider the application and the evidence and information presented at the hearing and evaluate that evidence against the general requirements of the ordinance and the four factors and additional requirements of the Zoning Ordinance. Based on this evidence, the Board will decide whether to approve the permit, disapprove the permit or approve the permit with modifications. Mr. Weber informed the Board that its deliberations must be in public, and that the Board members should feel free to ask questions of him, each other and/or of the parties. Mr. Weber also informed the Board that it should feel free to discuss the issue and its questions openly before voting on the decision, and that the vote must be of roll call of the members present.

Following Mr. Weber's presentation, the Board took a five-minute recess.

BOARD OF ZONING APPEALS DELIBERATION REGARDING SUPPLEMENTAL DEVELOPMENT PERMIT APPLICATION

Ms. Margaret Nolan, Chair stated that the Board would deliberate on the supplemental development permit application. She stated that the Board's specific task was to look at the requirements of the Zoning Ordinance and the evidence that has been presented to the County and provided at the public hearing. She stated that, based on the evidence in the record and its deliberations, the Board would decide whether to approve, to approve with conditions, or to disapprove the supplemental development permit application. Ms. Nolan opened the floor for deliberation, and the Board of Zoning Appeals members commenced their deliberations on the supplemental development standards application.

Ms. Lavonne Davis referred to the third factor in Section 5-3.1 of the Zoning Ordinance, and directed Board members to look at the application package where it refers to the land that would surround the landfill. Ms. Davis stated that she disagreed with the applicant's statements that the landfill would comply with the third factor, and cited the odor, height and level of truck traffic expected at the landfill.

Mr. William Smith stated that the paper mill in the County emits an odor, and stated that if the paper mill emitted an odor a landfill surely would.

Mr. David Rogers stated that based on his experience observing what trucks do to roads, he believed that the County's rural road system would not be able to handle the truck traffic from the landfill. Ms. Edith Bridges agreed that the roads would deteriorate.

Mr. John Troy Henegan questioned why the Board should believe that the applicant would adhere to what it said it would do in its application. Ms. Davis added that MRR had approached North Carolina about the landfill.

Mr. David Rogers questioned MRR's representatives as to whether MRR had attempted to site its landfill in Scotland or Richmond Counties but was voted out. Mr. Scott Brown answered that landfills had been attempted in those locations, but were not associated with MRR. Mr. Brown stated that MRR has also pursued, owned and operated other landfills in North Carolina in the course of its daily business.

Mr. William Smith questioned Mr. Brown as to whether MRR considered the fact that 94% of the County voted against the landfill. Mr. Brown responded that no, MRR had not considered that fact in the context of the application. Mr. Smith followed up regarding the human aspect, and stated that surely MRR would have considered that percentage of opposition.

Ms. Margaret Nolan, Chair stated that the Board should stay focused on the matter at hand and look at the application and the Zoning Ordinance.

Mr. David Rogers indicated that the Board was to go by the factors listed on the worksheet, and Ms. Edith Bridges stated that two of the factors were not being met.

Ms. Nolan stated that the fact could not be ignored that the property is not zoned correctly, and referred to the part of the Zoning Ordinance specifically stating that landfills are prohibited in that zoning district. She stated that this consideration needed to play into the Board's consideration as well.

Ms. Lavonne Davis stated that she was not comfortable with MRR's satisfaction of the second factor of the Zoning Ordinance with respect to the road system or to its satisfaction of the third factor with respect to the site. Ms. Bridges added that the second factor was not met because MRR could not guarantee pedestrian safety, based on the number of trucks that would be coming through the area.

Ms. Edith Bridges stated that the Board should take into account the fact that the Planning Commission had already turned down MRR's application twice, and that the fact that the property does not qualify for a landfill is an issue. Ms. Lavonne Davis added that MRR does not meet the core criteria, and Ms. Edith Bridges and Mr. William Smith agreed.

Mr. Ron Munnerlyn, County Council member, attended the meeting as an observer. He requested to speak and the Chair granted his request. Mr. Munnerlyn stated that the size, volume, origin and weight restrictions and other considerations raised by MRR are all conditions that could be inserted into a host agreement with the County but that the Council had never considered or voted on a host agreement with MRR. Councilmember Mr. Willie Gladden also attended the meeting as an observer. He reiterated that Council has never considered or voted on a host agreement.

Ms. Edith Bridges stated that the third factor in the Zoning Ordinance was not met because all of the citizens who had commented about the impact of the landfill on their properties and the value of their properties and also cited landfill leakage and cancer risks. She stated that she valued Marlboro County.

Mr. John Troy Henegan mentioned the rats that would come into the County from the landfill.

Ms. Edith Bridges stated that she wanted the best for the citizens of the County, that she believed that the landfill was a risk that would impact the County, and that she could not see the landfill benefitting the County in any way.

After an extended period of deliberation, Ms. Margaret Nolan, Chair stated that the Board's deliberations appeared to be complete.

Ms. Margaret Nolan, Chair advised the Board would vote by roll call whether to approve the application, deny the application or approve the application with conditions.

Lavonne Davis - Deny

John Troy Henegan - Deny

Edith Bridges - Deny

David Rogers - Deny

William Smith - Deny

Margaret Nolan - Deny

Ms. Margaret Nolan, Chair stated that the Board had considered the evidence in the record and the comments made at the public hearing, had deliberated, and based on the evidence and the Zoning Ordinance, had voted that the supplemental development permit application submitted by MRR Sandhills, LLC on August 28, 2009 should be denied. Ms. Nolan directed staff to prepare a notification to the property owner and to prepare the minutes of the meeting and decision.

Motion made by Ms. Lavonne Davis, seconded by Ms. Edith Bridges to adjourn the meeting. Vote in favor. Unanimous. Motion carried.

(SEAL)



Margaret Nolan, Chair
Marlboro County Board of Zoning Appeals

ATTEST:


Susan E. Rivers, Clerk

Date Adopted: October 14, 2009

COUNTY OF MARLBORO



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TO: F. Norbert Hector, Jr., MRR Sandhills, LLC
Margaret Nolan
FROM: Margaret Nolan, Chair, Marlboro County Board of Zoning Appeals
DATE: October 15, 2009
RE: Denial of Application for Supplemental Development Permit

Denial of Application for Supplemental Development Permit

Background

On August 28, 2009, the County received an application submitted by MRR Sandhills, LLC ("MRR" or the "applicant") on behalf of the landowner, Z.V. Pate, Inc. ("Z.V. Pate" or "landowner") for a supplemental development permit to use its property as a sanitary landfill (the "application"). The County Zoning Ordinance (Ordinance 545, 2002) provides that the Board of Zoning Appeals ("Board") must conduct a public hearing on a supplemental development permit application and render a decision to approve the application, deny the application, or approve the application with conditions. The Board evaluated the application, conducted a public hearing and, based on the evidence and information received for consideration prior to and at the September 22, 2009 public hearing, voted unanimously to deny MRR's application for a supplemental development permit. This report memorializes the Board's findings and decision and incorporates by reference as Exhibit 1 to this denial the minutes from the Board meeting at which the vote occurred.

Standard

The Zoning Ordinance provides that for a supplemental development permit to be issued by the Board, the subject property must: (1) be properly zoned under the Zoning Ordinance for the use being proposed; and (2) satisfy the factors and requirements for supplemental development permits set forth in Section 5 of the Ordinance. The Board's first inquiry, therefore, is to determine if the property at issue is properly zoned for the proposed use, that is,

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does the property's zoning district allow for the proposed use if a supplemental development permit is first obtained for the proposed use.

The Board's second inquiry is to determine if the proposed use meets the requirements of Article V of the Zoning Ordinance. Specifically, pursuant to Section 5-3.1, the Board must consider the following factors in determining whether a supplemental development permit is appropriate:

1. The relationship of the proposed use with respect to the County's Comprehensive Plan,
2. The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation, flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use,
3. The impact of the proposed use on nearby property, and
4. The suitability of the affected site in terms of size, shape and topographic conditions to accommodate the proposed use, building or development and to ensure environmental compatibility.

In addition, the Board must consider whether the applicant has met Sections 5-4 through 5-15, as applicable, which provide use-specific additional requirements and factors that must be met to obtain a supplemental development permit.

Findings of Fact

On August 28, 2009, the County received from MRR on behalf of Z.V. Pate the application entitled, "Supplemental Development Permit Application for Certain Land Uses and Large Scale Developments." The purpose of the application was to obtain a supplemental development permit to use tax map nos. 03-01-02-04, 03-01-02-07, 03-01-02-038, 03-01-02-39, 03-01-02-40 and 03-01-02-58 (the "property") as a sanitary landfill. The property is zoned as a General Development ("GD") district. Sanitary landfills are prohibited in GD zoning district.

Prior to submitting the application, MRR also made a request for a zoning map amendment to change the zoning on the property from GD to Rural Resource ("RR"). The RR zoning district allows sanitary landfills but only if a supplemental development permit is first obtained for that use. The Marlboro County Planning Commission unanimously recommended to County Council that the zoning map amendment request be denied. The County Council later denied MRR's zoning map amendment request. The effect of the denial is that the property remains a GD zoning district, within which sanitary landfills are prohibited.

The Board held a public hearing on the application on September 22, 2009 at 6:00 p.m. at the Marlboro County Courthouse. County staff first summarized the application submittal in general terms. Legal counsel for Marlboro County then explained the process for considering the application, the requirements of the Zoning Ordinance and factors the Board was to consider when evaluating the application, and the Board's obligation under the Ordinance to vote on

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whether to approve, approve with conditions, or deny the application based on the evidence in the record.

The Board then received public comment. Twenty individuals from North Carolina and South Carolina spoke during the approximately 45-minute comment period, including the applicant, members of the public and County representatives. Representatives of County staff spoke first, followed by 15-minute presentations from the applicant and a representative of the Citizens for Marlboro County group, and followed by comments from interested members of the general public and final comments from the applicant. Based on the level of interest expressed regarding the topic and the number of citizens who had signed up to speak, the Board decided to receive additional comment, evidence and information beyond the initial allotted comment period.

The citizens who provided comments, evidence and information at the hearing expressed concerns regarding numerous issues, and provided information to the Board, including:

- The landfill's impact on the environment and the health of the citizens of Marlboro County, including the risk that the landfill liner will leak (8 citizens);
- The inconsistency of the proposed use of the property as a sanitary landfill with the County's Comprehensive Plan, including the fact that the County produces only a small amount of waste, and that the population of the County is decreasing, as is the volume of waste in the County (2 citizens);
- Concern that the use of the parcels as a landfill would not be in the best interests of the County and would degrade its appearance, including potential detriment to the local economy and recreational opportunities if a landfill is constructed on the subject parcels (12 citizens);
- Leakage problems with landfills and the inability to control what goes into them, as well as the inadequacy of liners and the risk of leakage from earthquakes and lightning (5 citizens);
- No engineering studies had been conducted as to whether the groundwater would be protected (1 citizen);
- Problems with truck traffic (including comment by the former owner of a trucking company), odors, garbage, and increased air pollution (6 citizens);
- Concerns with the visibility of the landfill from nearby roads and homes (3 citizens);
- Problems with County road and rail infrastructure and the inability of emergency vehicles to reach parts of the County if landfill traffic interferes (4 citizens);
- Potential "green" alternatives to a landfill and the recapture of gases from the landfill (3 citizens);
- Concerns that waste from outside of North Carolina and South Carolina would enter the landfill despite the applicant's assertion that only those wastes would be accepted, and the fact that the Southern United States accepts a high proportion of the nation's wastes (2 citizens);
- Environmental justice concerns, specifically that the landfill is proposed to be sited in sparsely populated, low income and minority areas (4 citizens);

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- The lack of consideration of impacts to citizens in North Carolina (2 citizens);
- The landfill's negative impact on at least three wilderness camps in the Wallace area that are unique to South Carolina (1 citizen);
- The inappropriateness of the proposed use to the surrounding rural, agricultural land (4 citizens); and
- The negative impact of a landfill on the County at large by ruining economic development and ruining aesthetics with potentially one of the largest landfills in the United States (3 citizens).

In addition, 4 citizens whose properties were located near the subject parcels expressed opposition to the landfill and concerns regarding the potential depreciation of their property value and potential health concerns if a landfill were to be constructed on the subject parcels.

Additional details regarding the public comments received at the hearing can be found in the minutes of the hearing, attached as Exhibit 1 and incorporated herein by reference.

At the conclusion of the public comment period, the Board closed the public hearing. The Board then deliberated on the application in open session. During these deliberations, Board members made inquiries regarding numerous topics, including the following:

- A Board member referred to the third factor listed in the Ordinance for reviewing supplemental development permit applications, citing the land that would surround the landfill, and stated that she believed that the proposed landfill did not comply with this factor based on the surrounding property and the odor, height and level of projected truck traffic at the landfill.
- A Board member stated that the paper mill in the County emits an odor, and concluded that if the paper mill emitted an odor, a landfill surely would.
- Board members stated their beliefs that the County's rural road system would not be able to handle the truck traffic from the landfill, and that the traffic would cause the roads to deteriorate.
- A Board member questioned the applicant's ability to adhere to the assertions made in its application.
- A Board member questioned the applicant regarding whether the applicant had attempted to site its landfill in North Carolina.
- A Board member questioned the applicant regarding whether the applicant had considered the public opposition to the landfill as expressed through the County's referendum.
- A Board member indicated that the Board must remain focused and that the Board must consider the fact that the property is not zoned correctly for the landfill and that the Ordinance specifically provides that landfills are prohibited in that zoning district. Board members acknowledged that the Board also should go by the four factors listed in the Zoning Ordinance and stated that at least two of the factors were not being met.
- A Board member stated that given what she had heard and considered, she did not feel comfortable that the applicant had satisfied the second and third factors to be considered

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- under the Ordinance because of the impact of the landfill on the road system and the fact that the applicant could not guarantee pedestrian safety in light of the increased traffic.
- A Board member stated that the Board should take into account that the applicant had already been turned down twice, and that the fact that the current zoning on the property does not qualify for the landfill is an issue. Other Board members agreed that the applicant did not meet the core criteria.
 - County Council members who were attending the meeting as observers commented that many of the benefits raised by the applicant were conditions that were not in the application, but instead could only be inserted into a host agreement with the County, and that Council had not considered or voted on any host agreement.
 - A Board member stated that she believed the third factor to be considered under the Ordinance was not met because of the evidence from citizens regarding the impact of the landfill on their properties (both health impacts and property value impacts). She cited landfill leakage and cancer risks.
 - A Board member commented on the rodents that may be drawn to the landfill.
 - Finally, a Board member stated that she wanted the best for the citizens of the County, and that she saw the risks of the landfill and did not see the landfill benefitting the County in any way.

The Board evaluated the evidence in the record (as discussed above and as is summarized in the minutes) and concluded that the property was improperly zoned for a supplemental development permit because the requested use as a sanitary landfill was prohibited under the subject property's current zoning designation of General Development (GD).

The Board also evaluated the evidence in the record (as discussed above and as is summarized in the minutes) as it related to the four factors set forth in Section 5-3.1 of the Ordinance and the additional requirements set forth in Sections 5-4 through 5-15, as were applicable, and concluded that there was insufficient evidence to satisfy these requirements. Specifically (and among other reasons), the Board concluded that the first, third and fourth factors of the Ordinance were not met because the property was not properly zoned for a sanitary landfill. Further, the property was not compatible with existing uses and adjacent properties, and the evidence was insufficient for the Board to conclude that such a large and environmentally sensitive project would be compatible with and protective of the environment. The Board concluded that the second factor of the Ordinance was not met based on documents submitted and various public comments indicating the insufficiency of existing roads and infrastructure to handle increased traffic from the landfill, other negative impacts from trucks transporting waste and the risk of impacts to emergency vehicle access.

Based on the information received from the applicant on August 28, 2009 and the evidence and information received for consideration at the public hearing, the Board voted to deny MRR's application. The vote to deny the application was made by a majority vote of the Board (by unanimous vote) in open session on roll call.

After the Board's vote, the Chair stated for the record that the Board had considered the evidence in the record and the comments made at the public hearing, had deliberated, and based

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on the evidence and requirements set forth in the Ordinance, had voted that the supplemental development permit application submitted by MRR Sandhills, LLC on behalf of Z.V. Pate and received by the County on August 28, 2009 should be denied.

For the reasons set forth above and by way of this memorandum, the Board hereby provides the applicant written notice that its application for a supplemental development permit received by the County on August 28, 2009 is denied.

Attachment - Exhibit I, September 22, 2009 Board of Zoning Appeals Public Hearing Minutes

David Rogers - Deny

William Smith - Deny

Margaret Nolan - Deny

Ms. Margaret Nolan, Chair stated that the Board had considered the evidence in the record and the comments made at the public hearing, had deliberated, and based on the evidence and the Zoning Ordinance, had voted that the supplemental development permit application submitted by MRR Sandhills, LLC on August 28, 2009 should be denied. Ms. Nolan directed staff to prepare a notification to the property owner and to prepare the minutes of the meeting and decision.

Motion made by Ms. Lavonne Davis, seconded by Ms. Edith Bridges to adjourn the meeting. Vote in favor. Unanimous. Motion carried.

(SEAL)



Margaret Nolan, Chair
Marlboro County Board of Zoning Appeals

ATTEST:


Susan E. Rivers

Susan E. Rivers, Clerk

Date Adopted: October 14, 2009